

REMARKS

Claim 1 was examined and rejected as being anticipated and obvious in view of certain cited references. Claims 2-14 have been added. No new matter has been added. Reconsideration of the application is respectfully requested.

I. Claims Rejected Under 35 U.S.C. § 102(e)

The Examiner rejects claim 1 under 35 U.S.C. §102(e) as being anticipated by Kelly, U.S. Patent No. 5,999,965 (“Kelly”). Applicants respectfully traverse the rejection.

It is axiomatic that to anticipate a claim, every element of the claim must be disclosed within a single reference. Applicants submit that the Examiner has failed in this regard.

Kelly discloses an automatic call distribution system capable of receiving incoming calls originating on either a circuit-switched or a packet-switched network. See Kelly Abstract. An automated call distribution server receives and routes incoming calls to agent processes based on various criteria. See *id.*

In contrast, Applicants’ claim 1 recites in part (emphasis added):

A system for scalable architecture for the transfer of messages in one of a plurality of formats to a user in at least a second one of said plurality of formats comprising... at least one second server coupled to the internal data network and adapted to communicate with a third network type...

The Examiner argues that Kelly discloses a server (WebPhone Gateway Exchange) that is coupled to a network of users (public switched telephone network) and a third network (WebPhone network). However, as indicated in Fig. 2B, the WebPhone Gateway 218 is not connected to a third network type. Fig. 2B discloses two networks: 1) a public switched telephone network 210; and 2) an internet protocol-based network 220. There is no separate “WebPhone network.” Rather, the Agent WebPhones 232, 244A-F and WebPhone Gateway 218 are all connected to the internet 220. See Fig. 2b. Accordingly, the rejection of Applicants’ claim 1 must be withdrawn.

II. Claims Rejected Under 35 U.S.C. § 103(a)

The Examiner rejects claim 1 under 35 U.S.C. 103(a) as being unpatentable over Baudoin, U.S. Patent No. 5,406,557 ("Baudoin"). Applicants respectfully traverse the rejection.

The Examiner's obligation in making a *prima facie* case of obviousness requires the Examiner to show that the cited references in combination teach or suggest all elements of the claimed invention. Applicants submit that the Examiner has failed to set forth a *prima facie* case of obviousness.

Baudoin discloses an inter-enterprise communications center comprised of an e-mail hub that converts incoming e-mail messages to a standard format then, based upon the destination address, converts the standard format to the one specific to the destination e-mail system. See Baudoin Abstract and col. 2, lines 5-12.

In contrast, Applicants' claim 1 recites in part (emphasis added):

A system for scalable architecture for the transfer of messages in one of a plurality of formats to a user in at least a second one of said plurality of formats comprising... at least one second server coupled to the internal data network and adapted to communicate with a third network type... at least one database server coupled to the internal data network

The Examiner argues that Baudoin is similar to Applicants' claim 1 with the exception that Baudoin does not teach at least one second server and at least one database server.

The Examiner argues that it would have been obvious to modify the invention of Baudoin so that a second server is coupled to one of the data networks, where the second server is adapted to communicate with another data network that uses another e-mail format. However, this argument fails for two reasons.

First, it does not follow that because a network uses a different e-mail message format, it is a different network type. E-mail protocols run atop a variety of underlying network types. Second, "[t]he ultimate determination of whether an invention would have been obvious under 35 U.S.C. § 103(a) is a legal conclusion based on underlying findings of fact." *In re Kotzab*, 55

U.S.P.Q.2d (BNA) 1313, 1369 (Fed. Cir. 2000) (citations omitted, emphasis added). “Whether the Board relies on an express or an implicit showing, it must provide particular findings related thereto. Broad conclusory statements standing alone are not ‘evidence.’” Id. at 1370 (citations omitted, emphasis added). The Examiner’s broad, conclusory statements regarding what one skilled in the art would regard as obvious given Baudoin are unsupported by any findings of fact. Therefore, the Examiner has failed to show that Baudoin teaches or suggests at least one second server coupled to the internal data network and adapted to communicate with a third network type.

The Examiner further argues that it would have been obvious to modify the invention of Baudoin so that at least one database server is connected to one of the communicating networks because such an arrangement would allow users to look up each other’s e-mail addresses. Again, the Examiner has failed to disclose findings in support of this conclusion. Thus, Baudoin does not teach or suggest at least one database server coupled to the internal data network.

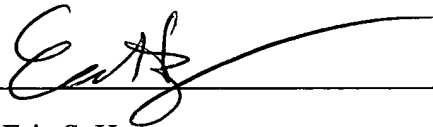
Accordingly, the rejection of Applicants’ claim 1 must be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-14 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

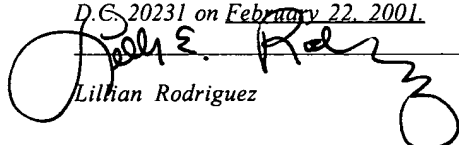
Respectfully submitted,

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Dated: 2/22/01 By: 
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on February 22, 2001.

 2-22-01
Lilian Rodriguez Date

MARKED-UP VERSION

Please amend the claims as follows. All pending claims, whether or not amended, in marked up form, are presented below for convenience.

IN THE CLAIMS

1. (Unchanged) A system for scalable architecture for the transfer of messages in one of a plurality of formats to a user in at least a second one of said plurality of formats comprising:
 - a) an internal data network for coupling to an external data network;
 - b) at least one first server coupled to the internal data network, said first server including a message queue and a router/filter;
 - c) at least one second server coupled to the internal data network and adapted to communicate with a third network type;
 - d) at least one database server coupled to the internal data network.
2. (New) The system as in claim 1, wherein said external data network is a packet switched network.
3. (New) The system as in claim 1, wherein said third network type is a circuit switched network.
4. (New) The system as in claim 1, wherein said first server transfers messages containing at least one of text data, audio data, video data, and bitmap data.
5. (New) The system as in claim 4, wherein said first server first verifies that said messages are from or to a customer using information in said database server.

6. (New) The system as in claim 5, wherein said message queue receives messages that are broken into fragments.
7. (New) The system as in claim 6, wherein said router/filter handles at least one of call routing, billing, prioritization, and filtering of said messages.
8. (New) The system as in claim 1, wherein said second server dials a destination fax number and sends a fax.
9. (New) The system as in claim 1, wherein said second server dials a paging terminal or delivers a notification message through a paging gateway.
10. (New) The system as in claim 1, wherein said message queue receives a detailed receipt and optionally an error log.
11. (New) The system as in claim 10, wherein said router/filter receives said error log and processes said error log for interfacing with a billing system for customer account updates.
12. (New) A method comprising:
 - receiving a message and forwarding said message to a message queue;
 - polling said message queue at least once for pending message requests;
 - determining message type from said message once a message request is discovered;
 - validating a customer identity;
 - checking rates of available resources to determine a least cost resource; and
 - delivering said message to a customer using said determined least cost resource.
13. (New) The method as in claim 12, further comprising:
 - obtaining currency information for said customer;
 - filtering said message for pager notification; and
 - checking for available resources to deliver said message.

14. (New) The method as in claim 12, further comprising:
composing a response/receipt once said message is delivered; and
delivering said response/receipt to a sender.